
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
MAY 3, 2018**

**DOVER CITY PLANNING AND ZONING COMMISSION MEETING
Dover Council Chambers
699 Lakeshore Ave., Dover, ID**

P&Z COMMISSIONERS IN ATTENDANCE:

Marilyn Becker Paul Nowaske Michael Jones Dean Johnston Kevin Johnson

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner

CALL TO ORDER:

Chair Nowaske called the meeting to order at 6:04 p.m.

CONSENT AGENDA:

Approval of the April 5, 2018 minutes.

Motion: Commissioner Johnston moved, and Commissioner Becker seconded the motion to approve the minutes of April 5, 2018. The motion passed unanimously.

PUBLIC COMMENT:

One member of the public requested discussion on street construction. The Chair advised the item should be presented to City Council.

PUBLIC HEARING:

File #AM12-18, Nuisances – An amendment to Title 12, Chapter 6, to include an intent statement in the public nuisance section, to define and identify as a public nuisance junk and junk yards and to clarify requirements for containment of solid waste.

Ms. Marley presented a summary of the proposed ordinance amendment and the process for consideration of the file.

Public testimony:

Brett Evans, 212 4th Street, requested an explanation of what would be considered junk and who would make the determination. He said he is opposed to the ordinance amendment.

Greg Rawuka, 315 3rd Street, said the same type of regulations were imposed in southern California, and he came to northern Idaho to get away from such laws. He expressed concern about unfounded complaints being lodged and the alleged violator not being able to defend him or herself.

Dan Parkin, 304 3rd Street, questioned the process for investigation of alleged junk or junk yards.

Vanda Lawson, 214 Mill Road, questioned whether the name of the complainant would be made available to the property owner.

The Chair declared the hearing closed at 6:25 p.m. and called for discussion.

Commissioner Johnson and Becker suggested the item be continued to another date to allow further consideration of the amendment, in particular the noise regulations.

MOTION: Commissioner Johnson moved to continue the file to 6 p.m. June 7th at City Hall and to leave the record open for further public comment. Commissioner Becker seconded the motion. Commissioner Becker advised that proposed and existing language on noise is vague, and could include chainsaws, guns, or other sounds. The Chair advised the continuation would allow further Planning & Zoning Commission discussion in June and suggested the hearing should be continued to August, with further public notice given. The motion carried unanimously.

PUBLIC HEARING:

File #AM13-18, RV Occupancy, Storage & Parking – An Amendment to Title 12, Chapter 6, to set standards for the occupancy, storage, and parking of recreational vehicles (RVs). The proposed amendment would set limits for occupancy to not exceed 21 days, with certain exceptions, and to establish minimum setbacks for stored and occupied RVs. The proposed amendment includes revised definitions for RV and dwelling unit.

Ms. Marley provided the background on the proposed ordinance, other communities' RV standards, and the process for the preview of the proposed land use amendment.

Public testimony:

Don Bell, Rocky Point, testified that they have been using an RV on their vacant, forested lot at Rocky Point for years. He objected to the 21-day occupancy limit, and requested exceptions be given for situations where there are no developed homes or buildings on site.

Brett Evans, 212 4th Street, said the proposed amendment does not "apply" to Old Dover because of the small lots and lack of alleyways. He testified the ordinance is an attempt to "pretty up" Old Dover and he is opposed to the ordinance and anyone who votes for it.

Gloria E. Becker Cozort, 104 N. 4th Street, testified that the proposed ordinance would affect her family because her daughter lives in a travel trailer on their property so that she can provide care for her and her husband. The 21-day limit would prohibit the current use of the travel trailer that allows long-term care by her daughter. She provided her written comments, marked as **Exhibit A**.

Lecia Dotson, 625 Railroad Ave., requested clarification on whether the 21-day limit included unoccupied RVs. She was advised that the limit is proposed for occupied RVs. She testified that small lots with no access to the back yards are adversely affected by the proposed setbacks. She is opposed to the ordinance because of the setback limits.

Jim Janish, 108 Lakeshore Ave., stated the proposed ordinance is not necessary because there are ordinances on the books that can already address the issues of health, safety, and welfare. He said he is concerned about Dover's ability to enforce the ordinance, causing the mayor to become the "camper police." Mr. Janish believes use of the RVs for temporary occupancy is a property

right and the ordinance is not in accord with the city's comprehensive plan. He provided his comments in writing, marked as **Exhibit B**.

George Eskridge, 104 Lakeshore Ave., testified that the proposed setbacks present a "technical limitation" for small lots. Occupancy of an RV is both a convenience and a necessity for Dover residents. He suggested the ordinance is a "solution looking for a problem," and stated his opposition to it. Mr. Eskridge said he has not heard of complaints regarding RV occupancy, and the city could use the nuisance codes to take care of certain issues. He presented his written comments, marked as **Exhibit C**.

Shanna Cozort, 106 N. 4th St., explained how the use of a travel trailer to care for her parents is a necessity. She presented her written comments, marked as **Exhibit D**.

Dan Parkin, 304 3rd St., noted the city lacks evidence showing RV parking on private property is an issue. The use of RVs is a property right, and the ordinance does not achieve its stated intentions of addressing health, safety, and welfare. He suggested the ordinance, if adopted, may not be upheld in court. He opposed adoption of the proposed regulations. Mr. Parkin submitted his comments to the record, marked as **Exhibit E**.

The Chair closed the hearing at 7:03 p.m. and called for discussion.

Commissioner Johnson suggested the Planning and Zoning Commission continue this item to gather additional information. Commissioner Becker said she would like to continue the public hearing to allow time to explore options of using nuisance law to address specific problems. Commissioner Johnson agreed. Chair Nowaske recommended denial of the ordinance. Commissioner Becker asked for additional information on parking regulations for RVs.

MOTION: Commissioner Johnson moved to continue the item to June 7th at 6 p.m. at City Hall. Commissioner Johnston seconded the motion. The motion passed unanimously.

The Chair advised this would be discussed at the June meeting and brought to public hearing in August. Staff noted the June 7th meeting is open to the public.

The Chair called for a five-minute recess and thanked the public for their comments.

The meeting was called back to order at 7:20 p.m.

PUBLIC HEARING:

File #AM14-18, Zoning Map Replacement – An amendment to Title 12, Chapter 4, to set procedures for adoption by resolution of a replacement zoning map.

Ms. Marley explained the purpose and background for the proposed amendment.

No member of the public testified on the proposed amendment.

MOTION: Commissioner Johnson moved to recommend to City Council approval of AM14-18. Commissioner Johnston seconded the motion. The Chair declared the motion approved on a unanimous vote.

PUBLIC COMMENT:

Zach Taylor, 402 4th Street, discussed the constraints of setbacks on smaller lots in Dover. He is aware that the new comprehensive plan calls for compact suburban zoning that would reduce setback standards for small lots. Mr. Taylor wanted to know when the Commission would address this zoning issue. The Chair suggested the compact suburban standards be added to the June agenda as a discussion item.

OLD BUSINESS:

Subdivision ordinance update, Title 11:

Ms. Marley updated the Commission on recent discussions with the Mayor and city engineer on street standards. She provided a summary of the memo presented to City Council on typical road cross-sections, street lighting, trails, sidewalks, snow storage, and other design issues.

OPEN DISCUSSION:

The City Planner suggested the Commission reach out to developers, engineers, and others as the subdivision and stormwater ordinances are prepared for amendment.

The Commission discussed hearing procedures and protocol.

Commission members advised of their availability for the August workshop/hearing. With only three members able to attend, Ms. Marley expressed concern about scheduling public hearings on the RV ordinance and junk/nuisance regulations. The Commission suggested the decision to conduct the hearings in August may need to be revisited. She requested the Commission keep her advised of their schedules for future meetings.

MEETING ADJOURNED:

Motion: Commissioner Johnston moved, and Commissioner Becker seconded the motion to adjourn. The Chair called the meeting adjourned at 7:52 p.m. on a unanimous vote.



Paul Nowaske, Chairman